

STAND. COM. REP. NO. 101

Honolulu, Hawaii

Feb 8 , 2011

RE: H.B. No. 464
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committees on Labor & Public Employment and Economic Revitalization & Business, to which was referred H.B. No. 464 entitled:

"A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION,"

beg leave to report as follows:

The purpose of this bill is to protect the rights of injured employees by requiring any employer denying compensability or indicating that compensability is not accepted to submit a written report describing the employer's investigation to the Director of Labor and Industrial Relations (Director) and the claimant within thirty days, which period may not be extended.

The Department of Labor and Industrial Relations, ILWU Local 142, Hawaii Chapter - American Physical Therapy Association, Hawaii Injured Workers Alliance, WorkStar Injury Recovery Center, and several concerned individuals testified in support of this measure. The Department of Human Resources Development, City and County of Honolulu Department of Human Resources, County of Hawaii Department of Human Resources, The Chamber of Commerce of Hawaii, Society for Human Resource Management - Hawaii Chapter, National Federation of Independent Business Hawaii, Property Casualty Insurers Association of America, and Hawaii Insurers Council opposed this bill.

Your Committees find that the current procedures for evaluating claims for workers' compensation allow claims to go

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unanswered pending investigation for an unreasonable amount of time. In addition, current law allows the Director to extend the time granted for an investigation.

As a result, injured workers go without the benefits they need for proper treatment, and suffer serious physical and psychological harm. This measure is required to balance the time necessary for employers to investigate claims for workers' compensation with the need of injured workers for timely decisions.

Your Committees have amended this bill by changing the effective date to January 1, 2095.

As affirmed by the records of votes of the members of your Committees on Labor & Public Employment and Economic Revitalization & Business that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 464, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 464, H.D. 1, and be referred to the Committee on Consumer Protection & Commerce.

Respectfully submitted on behalf of the members of the Committees on Labor & Public Employment and Economic Revitalization & Business,



ANGUS L.K. MCKELVEY, Chair



KARL RHOADS, Chair



Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HB 464	Committee Referral: LAB/ERB, CPC, FIN	Date: 2-1-11		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	/			
2. YAMASHITA, Kyle T. (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. ICHIYAMA, Linda	/			
6. LEE, Marilyn B.	/			
7. LUKE, Sylvia	/			
8. SAIKI, Scott K.	/			
9. SOUKI, Joseph M.	/			
10. TAKUMI, Roy M.	/			
11. FONTAINE, George R.		/		
12. JOHANSON, Aaron Ling		/		
TOTAL (12)	10	2	/	/
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

Record of Votes of the Committee on Economic Revitalization & Business

Bill/Resolution No.: HB 464	Committee Referral: LAB/ERB, CPC, FIN	Date: 2/1/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
ERB Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	✓			
2. CHOY, Isaac W. (VC)	✓			
3. AWANA, Karen L.	✓			
4. BROWER, Tom	✓			
5. EVANS, Cindy	✓			
6. HASHEM, Mark J.	✓			
7. NISHIMOTO, Scott Y.	✓			
8. TOKIOKA, James Kunane	✓			
9. TSUJI, Clift	✓			
10. MARUMOTO, Barbara C.		✓		
11. PINE, Kymberly Marcos		✓		
TOTAL (11)	9	2	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Isaac W. Choy</i></u>				
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